

On Wednesday, May 3, 2017, at 6:00 p.m. the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

CALL TO ORDER

Mayor Whaley called the meeting to order.

INVOCATION

Commissioner Mims gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Whaley led the public in the Pledge of Allegiance.

ROLL CALL

Roll call was taken and Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

APPROVAL OF MINUTES

Commissioner Mims made the motion to approve the minutes from the April 19, 2017, meeting.

Commissioner Williams seconded the motion. The previous meeting minutes were unanimously approved.

COMMUNICATIONS AND PETITIONS

Communication #21215

State of Ohio, Department of Liquor Control – Permit Application C1, C2, D6, Permit #61433920320 – Moran Foods LLC, DBA Save A Lot 676, 3932 Linden Avenue, Dayton, Ohio 45432.

The Clerk of Commission reported receipt of Permit Application C1, C2, D6, Permit #61433920320 – Moran Foods LLC, DBA Save A Lot 676, 3932 Linden Avenue, Dayton, Ohio 45432. The application was referred through the City for investigation.

Communication #21216

State of Ohio, Department of Liquor Control – Permit Application C1, C2, D6, Permit #61433920340 – Moran Foods LLC, DBA Save A Lot 8007 6484, 1026 Patterson Road, Dayton, Ohio 45420.

The Clerk of Commission reported receipt of Permit Application C1, C2, D6, Permit #61433920340 – Moran Foods LLC, DBA Save A Lot 8007 6484, 1026 Patterson Road, Dayton, Ohio 45420. The application was referred through the City for investigation.

Communication #21217

State of Ohio, Department of Liquor Control – Permit Application C1, C2 Permit #61433920300 – Moran Foods LLC, DBA Save A Lot #669, 2152 N. Gettysburg Avenue, Dayton, Ohio 45406.

The Clerk of Commission reported receipt of Permit Application C1, C2, Permit #61433920300 – Moran Foods LLC, DBA Save A Lot #669, 2152 N. Gettysburg Avenue, Dayton, Ohio 45406. The application was referred through the City for investigation.

Communication #21218

Petition – for Street Lighting Fixtures in the St. Anne’s Hill Neighborhood – submitted from Joe Dierkers.

Communication #21219

Work session handout – Finance Briefing Committee

SPECIAL AWARDS/PRESENTATIONS

Public Works

Mayor Whaley invited Mr. Fred Stovall, Director of Public Works, to the podium to provide a community update on Green Waste Disposal.

Mr. Stovall said informed citizens about the proper disposal of green waste material. He said he is focusing on the Gettysburg Avenue site. He asked citizens to be aware that household trash such as furniture, household waste, tires, and metal cannot be disposed of at this site. He said each time someone dumps this type of waste at this site it costs Dayton citizens \$38.00 per ton to dispose of the trash.

Mr. Stovall went over the proper way of unloading green waste at the waste disposal site. He said there is a designated entrance and exit which was created to improve trailer access and additional signage has been installed to communicate site standards. He said on-site monitoring has been implemented on Saturday's and Sunday's from 11:00 a.m. until 7:00 p.m., and weekly clearing will take place on Monday's and Thursday's.

Mr. Stovall said the City of Dayton has two green-waste disposal sites, Gettysburg: 1826 Gettysburg Ave and Wagner Ford: 2670 Wagner Ford Road. He said the hours of operation are Monday through Friday 8:00 a.m. until 5 p.m. and Saturday's 8:00 a.m. until 12:00 noon.

ADDITIONS OR DELETIONS TO THE CALENDAR

There were no additions or deletions to the calendar.

REPORTS:

- A. Purchase Orders, Price Agreements and Contracts:**
(All contracts are valid until delivery is complete or through December 31st of the current year).
1. **Purchase Orders:**
- AVIATION**
- A1. Carpetland, Inc. dba Big Bobs** (carpet, including removal, disposal and installation) **\$13,176.44**
1. (Cont'd):
- CENTRAL SERVICES**
- B1. CommVault Systems, Inc.** (computer software maintenance and support services through 12-31-19) **223,018.33**
- ECONOMIC DEVELOPMENT**
- C1. Crown Personnel Service, Inc.** (temporary staffing services as needed through 12-31-17) **23,100.00**
- FIRE**
- D1. Clarke Power Services, Inc.** (parts, supplies and related services as needed through 12-31-17) **15,000.00**
- D2. P H & S Products, LLC** (EMS examination gloves through 12-31-19) **65,000.00**
- OFFICE OF COMMUNICATIONS AND PUBLIC AFFAIRS**
- E1. Byers Chevrolet** (four-wheel drive utility vehicle) **23,378.00**
- POLICE**
- F1. K E Rose Company Ltd** (police interceptor equipment and installation) **206,352.00**
- PUBLIC WORKS**
- G1. Michigan Playgrounds LLC dba Playworld Midstates** (playground equipment and related items, installation and restoration services) **50,564.50**
- G2. Morton Salt, Inc.** (rock salt as needed through 12-31-17) **174,960.00**
- WATER**
- H1. Frost Brown Todd LLC** (professional legal services as needed through 12-31-17) **90,000.00**
- H2. Flottweg Separation Technology, Inc.** (Centrifuge maintenance, repair parts, services and inspections, as needed through 12-31-17) **50,000.00**
- H3. John A Becker Company dba Becker Electric** (electrical parts, supplies and related items as needed through 12-31-17) **20,000.00**
- H4. Mouldagraph Corp.** (rebuild of centrifuge gearbox) **15,140.00**
- Depts. of Aviation, Central Services, Economic Development, Fire, Police, Public Works, Water and Office of Communications and Public Affairs.
- Total: \$969,689.27**
2. **DeFries Copp LLC dba Copp Systems Integrator – Payment of Voucher** – to cover materials and services related to the Security Monitoring System at Water Supply and Treatment – Dept. of Water/Water Supply & Treatment. **\$7,234.82**

- 3. **Montgomery County Sheriff’s Office – Payment of Voucher** – for jail services – Dept. of Police. **\$17,421.30**

- 4. **Optica Consulting, Inc. – Service Agreement** – for technology consulting services – Dept. of Fire/Strategic Prog. & Safety. **\$129,600.00**
(Thru 06/04/18)

- 5. **The Oasis Center, LLC – Service Agreement** – to provide a comprehensive assessment of printing and document management systems and performance, devices, and strategy for replacement solution – Dept. of Central Services/Information Technology. **\$40,000.00**
(Thru 03/31/18)

- 6. **Women’s Leadership Collaborative of Greater Dayton/Wright State University Women’s Center/WSU – Payment of Voucher** – for expenses related to the Women’s Leadership Collaborative of Greater Dayton Retreats – The City Commission Office. **\$4,570.00**

B. Construction Contracts:

- 7. **Topp Shape Enterprises, Inc. – Award of Contract** – for the Madden Golf Course Tee Box Renovations Rebid (Open Market) – Dept. of Recreation & Youth Services **\$143,936.48**

D. Neighborhood Agreements:

- 8. **Water Street Hotel, LLC – Development Agreement** – to provide a grant towards the construction of a six-story hotel located at the northeast corner of East Monument Avenue and North Patterson Boulevard – Dept. of Economic Development. **\$500,000.00**
(Thru 05/01/24)

CITIZENS’ COMMENTS ON CALENDAR ITEMS

There were no citizens registered to speak on calendar items.

DISCUSSION OF CALENDAR ITEMS

Calendar Item No. 12.-Ordinance No. 31561-17 – Civil Liability for Red Light and Speeding Violations

The City Manager, Ms. Shelley Dickstein, asked Chief Richard Biehl, Dayton Police Department, to the podium to provide clarification of this Ordinance.

Chief Biehl said accidents have increased by 40 percent since camera enforcement was stopped two years ago. He said this Ordinance will result in limited enforcement because officer staffing requirements still exists; however, because of the unsafe environment, this technology still needs to be used.

Mayor Whaley said at the Porch Tours citizens have expressed the need for camera enforcement because of unsafe drivers.

Commissioner Joseph thanked Chief Biehl for his work and asked for a letter to be sent to Ohio State Representatives who voted against camera enforcement sharing the results and statics.

Calendar Item No. 8. – Water Street Hotel, LLC – Development Agreement

The City Manager, Ms. Shelley Dickstein, asked Mr. Ford Weber, Director of Economic Development, to the podium to provide clarification of this Development Agreement.

Mr. Weber said this Development Agreement represents an \$11Million investment with a payroll of \$700,000 with half of the jobs going to Dayton residents. Mr. Weber said this agreement was unique because of the engineering restraints of the project. He said it’s important that the weight of the hotel does not cause damage to the infrastructure of the storm water sewer pipes. Also, they have entered into an agreement with Dayton Public Schools for internships, field trips, meeting spaces, and more.

Commissioner Williams said he was happy to hear this agreement will target 50 percent of Dayton residents for jobs. He asked how we can ensure this happens.

Mr. Weber said they will work closely with the manager of the hotel to ensure communication through the Human Relations Council to Dayton residents for opportunities for employment. He said they will file reports of outreach and progress and only if they can demonstrate their outreach did not acquire residents then they can hire others.

Mayor Whaley asked for a list of other agreements with similar hiring goals of this type.

Ms. Dickstein said this project will be audited by the Economic Development Department and she said she will get a list to the City Commission.

Mayor Whaley asked how tall the building will be and when it will be complete.

Mr. Jason Woodard, Woodard Development, said the building will be six stories high and the completion will be the beginning of the third quarter of 2018.

APPROVAL OF CITY MANAGER'S RECOMMENDATIONS

Commissioner Shaw made the motion to approve the City Manager's Reports. Commissioner Joseph seconded the motion. The City Manager's Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw.

LEGISLATION

EMERGENCY ORDINANCES – FIRST AND SECOND READING

Emergency Ordinance No. 31559-17 - Authorizing the City Manager to Enter into a Community Reinvestment Area Tax Abatement Agreement with Water Street Hotel, LLC for Property Located at 301 East Monument Avenue in the City of Dayton, Ohio; and Declaring an Emergency.

Commissioner Williams moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Mims seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31559-17 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Emergency Ordinance was passed.

Emergency Ordinance No. 31560-17 - Authorizing the Conveyance of Real Property Located at 2800 Concorde Drive to NP Dayton Building I, LLC, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Shaw seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31560-17 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Emergency Ordinance was passed.

EMERGENCY RESOLUTIONS – FIRST AND SECOND READING

Emergency Resolution No. 6251-17 - Approving the Submission of a Grant Application for the Fiscal Year 2018 Ohio Airport Grant Program to the Ohio Department of Transportation, Office of Aviation; Authorizing the Acceptance of a Grant from the State of Ohio Department of Transportation, Office of Aviation in an Amount Not to Exceed One Million Six Hundred Fifteen Thousand Nine Hundred Fifty Dollars (\$1,615,950) on behalf of the City of Dayton, and Declaring an Emergency.

Commissioner Mims moved that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Williams seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6231-16 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Emergency Resolution was adopted.

ORDINANCE – FIRST READING

Ordinance No. 31561-17 - Amending Section 70.121 of the Revised Code of General Ordinances of the City of Dayton Relating to Civil Penalties for Dayton's Automated Traffic Control Photographic System, to Provide for Civil Liability for Red Light and Speeding Violations Detected through the Use of Traffic Law Photo-Enforcement Devices.

RESOLUTION – SECOND READING

Resolution No. 6250-17- Removing 2.4658 +/- Acres of Welcome Park from the Public Commons Master Plan in Accordance with R.C.G.O. 44.19.

The question being shall Resolution No. 6250-17 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Resolution was adopted.

INFORMAL RESOLUTION

Informal Resolution No. 935-17 - Objecting to the Transfer of Location of Liquor Permit #9568422000 1 (TRFL), Jerry White, 2404 East Third Street, Dayton, Ohio 45403.

Commissioner Shaw made a motion to adopt Informal Resolution No. 935-17. Commissioner Joseph seconded the motion. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Informal Resolution was adopted.

CITIZENS’ COMMENTS

There were no citizens’ registered to speak.

COMMENTS BY THE CITY MANAGER

The City Manager, Ms. Shelley Dickstein, said we received high accolades from the film director for our customer service and she thanked various departments for their hard work on this project.

Commissioner Williams said Commissioner Joseph had been working hard on projects like this. He asked Ms. Dickstein what types of opportunities the city receives from projects like this.

Ms. Dickstein said it creates economic spinoff for the City of Dayton.

Commissioner Joseph thanked Mr. Keith Klein for his work on this project.

COMMENTS BY THE CLERK OF COMMISSION

The Clerk of Commission, Ms. Rashella Lavender, had no closing comments.

COMMENTS BY CITY COMMISSION

Commissioner Williams

Commissioner Williams highlighted his attendance at the UP Dayton Summit.

Commissioner Mims

Commissioner Mims highlighted his attendance at the College Signage Day at Sinclair Community College. Also, he highlighted his attendance at the Faith Based Breakfast at Mt. Calvary Missionary Baptist Church.

Commissioner Shaw

Commissioner Shaw highlighted his attendance at the Community Leader Fly-In.

Mayor Whaley

Mayor Whaley congratulated the first responders for the accident on I75. She said the Annual Public Opinion Survey will be in the mail this Friday and citizens to please feel the form out and return it.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:47 p.m.

Mayor Nan Whaley

Attest: _____
Clerk of Commission

WORK SESSION

A copy of prepared material has been recorded as Communication & Petition Number 21219 dated May 3, 2017.

The Dayton City Commission met in a Work Session on Wednesday, May 3rd at 4:40 p.m., prior to the regularly scheduled City Commission meeting. The meeting was held in the City Manager's Large Conference Room, located in City Hall. Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw were present. Ms. Rashella Lavender, Clerk of the Commission, was also in attendance.

Ms. Shelley Dickstein, City Manager, Ms. Tammi Clements, Deputy City Manager, Mr. Joe Parlette, Deputy City Manager, Ms. Barbara LaBrier, Director of Management and Budget, Ms. Diane Shannon, Deputy Director of Management and Budget, Mr. Mike Powell, Director of Water, and Mr. Gil Turner, Deputy Director of Aviation, were the presenters.

An overview was provided regarding the Finance Committee's Briefing by highlighting:

- 2017 First Quarter Results - General Fund Revenues/Expenditures
- 2017 First Quarter Results – Department of Water
- 2017 First Quarter Results – Department of Aviation

2017 First Quarter Results – General Fund Revenues/Expenditures

Ms. LaBrier reported during the first quarter of 2017, total General Fund sources climbed 5.4 percent compared to 2016. Baseline revenues, without Issue 9, were up about one percent. Total General Fund uses increased 3.3 percent when compared to the previous year and were 4.7 percent under budget. She said an extra Salary Pay Cycle of \$1.3M is responsible for the year-over-year increases in uses. At the end of March, sources exceeded uses by a margin of \$3.6M. Issue 9 services began ramping up in April and will be highlighted in future briefings.

Ms. Shannon reported that base income tax grew 1.2 percent during the first quarter of 2017, while total income tax, including Issue 9, was up 7.5 percent. She said withholding collections were up 9.5 percent. The tax on business profits were down 12 percent with tax on corporate profits responsible for the decline. Taxes paid by individuals fell by \$35,600. Refunds declined by a slight \$35,100.

Ms. LaBrier reported that property tax and other tax revenue came in below the estimate, reflecting a slight decrease from the first quarter of 2016. She said property values were flat in 2017, with real property values down 0.2 percent, offset by an increase in Public Utility Personal Property. The Hotel/Motel Tax receipts totaled \$122,500 during the first quarter, reflecting an increase of 11 percent over 2016.

The Local Government Fund revenues were flat during the first quarter and are \$100,000 under the state's certified estimate. Additionally, changes to the Local Government Fund have been proposed in the Governor's 2018-2019 biennium budget that would further depress revenue sources for the City.

She said fines and forfeits decreased 38 percent due to lower parking and ticket fine revenue. Revenues from licenses and permits dropped \$34,000 during the first quarter.

Ms. LaBrier explained Issue 9 financial and performance reporting is being developed and is expected to debut by the third quarter. Union negotiations will take place later in the year and will be key in maintaining our financial stability as we look toward 2018.

She said revenues are underperforming when compared to budget while expenditures are less than planned, resulting in a slightly favorable balance. Also, budget actions at the State and Federal level will continue to be significant challenges in managing resources.

2017 First Quarter Results - Department of Water

Ms. LaBrier and Mr. Powell reported on the 2017 First Quarter Results for the Department of Water.

Water Fund Revenue and Expenditure Review - Water Fund Revenues were down 7.9 percent or \$1M compared to first three months of 2016. The revenue from City customers is down \$100,000 compared to the first quarter of 2016 and is \$200,000 below the forecast. The revenue from other jurisdictions is below forecast by 14.2% compared to 2016 after factoring in a March 2016 billing correction not made until April 2016. Expenditures are up 8.5 percent compared to 2016 due to higher personnel cost, computer maintenance and supplies and materials. The Water Fund Capital Equipment requisitioned but not yet purchased at the end of Quarter 1 is \$747,420.

Sanitary Sewer Fund Revenue and Expenditure Review – Sanitary Sewer Fund Revenues are down 2.7 percent compared to 2016 due to lower volumes in the City and other jurisdictions. Revenue from City customers is down \$200,000 and charges for services were above forecast by \$600,000 due to higher Permit Non-Compliance Violation Fees. Total expenditures are down 4.1 percent compared to 2016 due to lower contracts and materials costs offset by higher personnel costs. The Sewer Fund expects to end the year with a positive balance.

Mr. Powell said they are on track with Pebble Lime sales.

2017 First Quarter Results - Department of Aviation

Ms. LaBrier and Mr. Turner reported on the 2017 First Quarter Results for the Department of Aviation.

Total revenue sources were down \$7.5M or 0.5 percent lower than last year. Airline revenue is 1.0 percent below projection, but \$186,700 higher than in 2016. Enplanements in the first quarter of 2017 are 3.2 percent lower than in 2016. Concession revenue totaled \$415,900 or 16.9 percent above projection in the first quarter, and the revenue was higher than 2016 revenue for the first quarter. Total non-airline revenue is 1.7 percent below projection for the first quarter. The department generated \$2.6M in parking revenue which is \$93,200 below projection.

Ms. LaBrier said Contracts, Materials and Other Uses were 6.4 percent below budget for the period. The variances were mainly in management contracts, other professional services and consulting services. She said the first quarter of 2017 expenditures are \$399,500 less than 2016 due to a one time payment made in 2016 for a legal settlement.

She said the department is on track to have a balanced budget at year-end. The average Daily Seat Capacity for the first six months of 2017 is expected to remain flat. Also, Delta increases capacity to Atlanta by 36 daily seats or 6.4% in May. American Airlines is adding a third flight to LaGuardia, which increases capacity by 45 seats in June of 2017 and increasing capacity by 78 daily seats to Dallas in September.

Mr. Turner said they will continue to meet with the Airlines to market the Airport to increase capacity.

Mayor Whaley thanked everyone for the updates and noted her appreciation for staff's work.

The Work Session concluded at 5:24 p.m.